KASPER Tips: Prescribing Buprenorphine for Office Based Opioid Treatment

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The Drug Enforcement and Professional Practices Branch (DEPPB) enforces the Kentucky Controlled Substances Act (KRS 218A) and operates the KASPER program. Following is DEPPB guidance to all providers of Office Based Opioid Treatment (OBOT), also known as medication assisted treatment.

**The Kentucky Board of Medical Licensure (KBML) has codified professional standards for prescribing or dispensing buprenorphine products in 201 KAR 9:270.** Please become familiar with these standards prior to commencing your practice of OBOT. Seek legal guidance for any laws or regulations that are unclear to you.

**An office visit for medication assisted treatment is a Medicaid covered service. Medicaid providers may not charge Medicaid patients for Medicaid covered services (907 KAR 3:005).** Section 2(1)(c)1 of this chapter states: "If a provider renders a Medicaid-covered service to a recipient, regardless of if the service is billed through the provider's Medicaid provider number or any other entity including a non-Medicaid provider, the recipient shall not be billed for the service."

**Federal law requires you to include both your DEA registration number and your DATA waiver identification number ("X DEA") on all buprenorphine prescriptions for OBOT (21 C.F.R. §1306.05).** (a) All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.
(b) A prescription for a Schedule III, IV, or V narcotic drug approved by FDA specifically for "detoxification treatment" or "maintenance treatment" must include the identification number issued by the Administrator under Sec. 1301.28(d) of this chapter or a written notice stating that the practitioner is acting under the good faith exception of Sec. 1301.28(e) of this chapter.

**General controlled substance prescription requirements (902 KAR 55:105).** A controlled substance prescription shall be written on a KY secure blank and bear the preprinted, stamped, typed, or manually printed name, address and telephone number of the prescribing practitioner. However, the prescription shall not be pre-printed or written, typed or stamped with the name of a controlled substance until issued to the patient**.**

**A computer-generated prescription that is printed out or faxed by the practitioner must be manually signed (CFR §1306.05/KRS 218A.180).** If a controlled substance prescription will be transmitted to a pharmacy by fax, the practitioner or his agent shall write or stamp "FAXED", along with the date and the person's initials, on the face of the original prescription prior to transmission. The transmitting practitioner shall then file the original prescription in the patient's record, or transfer the original prescription to the filling pharmacy where required (902 KAR 55:105/902 KAR 55:095).

**You may not advertise controlled substances directly to consumers (KRS 218A.1403)**.
(1) No person shall advertise through any media other than a professional or trade publication any controlled substance by either its "trade name" or by its generic or formulary name.
(2) Any person who violates subsection (1) of this section shall be guilty of a Class B misdemeanor for the first offense and a Class A misdemeanor for each subsequent offense.

**The CHFS Office of Inspector General (OIG) licenses certain health care facilities and Certificate of Need requirements may apply (KRS Chapter 216B).** Several exemptions do exist. If you have questions about OIG licensure requirements, please contact the OIG Division of Healthcare at 502-564-7963.

**Tips to help reduce controlled substance diversion.** Keep controlled substance prescription pads secured in a locked cabinet and reduce the number of individuals that have access to the prescription pads. Run a reverse KASPER report periodically to help identify unauthorized prescriptions. Report suspected or confirmed fraudulent prescription activity to the Drug Enforcement and Professional Practices Branch at (502) 564-7985. DEPPB staff is available Monday through Friday 8:00 a.m. to 4:30 p.m. Eastern Time.

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